

REMARKS

In the Final Office Action mailed August 10, 2009, the Examiner rejected claims 1-17, 20, and 22 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,270,000 to Goldner et al. (Goldner) and an article titled "Paper Shredding Business Piles Up," by Nealy-Brown; rejected claim 18 under 35 U.S.C. § 103(a) as unpatentable over U.S. Goldner, Nealy-Brown, and U.S. Patent No. 5,209,411 to Dineley et al. (Dineley); rejected claim 19 under 35 U.S.C. § 103(a) as unpatentable over Goldner, Nealy-Brown, U.S. Patent No. 6,494,391 to Mosenson et al. (Mosenson), and the English abstract of JP 6320057 to Noda; and rejected claim 21 under 35 U.S.C. § 103(a) as unpatentable over Goldner, Nealy-Brown, and U.S. Patent No. 5,186,397 to Orlando.

By this amendment, Applicants amend claim 1 to more clearly define the features of that claim and to incorporate the subject matter of canceled claims 18 and 19.

Claims 1-17 and 20-22 are currently pending.

The Examiner rejected claims 1-17, 20, and 22 under 35 U.S.C. § 103(a) as unpatentable over Goldner and Nealy-Brown. Applicants respectfully traverse this rejection.

Claim 1, as amended, defines a method of destroying documents. The method includes, among other things, "shredding the documents including protected health information in the apparatus, wherein the apparatus includes a first chamber including at least one microwave source and a second temperature maintenance chamber configured to receive the shredded documents including protected health information, the second temperature maintenance chamber including at least one radiation source comprising at least one of a microwave source, an infrared heat source, an X-ray heat source, and an ultraviolet source, the second temperature maintenance chamber further including an

ozone generating electrode inserted into the second temperature maintenance chamber.”

On page 4 of the Final Office, the Examiner acknowledges that neither Goldner nor Nealy-Brown discloses the use of X-rays or ultraviolet light. On page 5 of the Office Action, the Examiner acknowledges that neither Goldner nor Nealy-Brown discloses the use of an ozone generator inserted in to the chamber. As such, neither Goldner nor Nealy-Brown discloses this aforementioned feature of claim 1.

Applicants address Dineley, Mosenson, and Noda as those references were used in connection with canceled claims 18 and 19, which have now been incorporated into claim 1.

Dineley discloses decontamination of medical waste. However, at best, Dineley discloses that after shredding, the waste is sent into another apparatus to deactivate bacteria. The antimicrobial agent for this other apparatus may include hot air, alcohol, gamma radiation, and ultraviolet radiation. Dineley, col. 2, lines 16-25. Specifically, Dineley states:

Following the comminution, the waste material passes to a decontamination chamber in which the waste material is intimately contacted by an antimicrobial agent. The antimicrobial agent is one which is suitable for permanently deactivating bacteria, viruses and other human pathogens. Examples of such antimicrobial agents include hot air, steam, alcohol chemical vapor, ethylene oxide, hydrogen peroxide plasma, gamma radiation, ultraviolet radiation, and combinations of these and other agents.

Dineley, col. 2, lines 16-25.

FIG. 2 of Dineley is reproduced below. The antimicrobial agent is at best used in another apparatus (see, e.g., container 26 depicted below) after processing of the waste is completed. Moreover, conspicuously absent in Dineley is any mention of X-rays.

In view of the foregoing, it is clear that Dineley fails to disclose or suggest, among other things, the following feature of claim 1: “shredding the documents including

protected health information in the apparatus, wherein the apparatus includes a first chamber including at least one microwave source and a second temperature maintenance chamber configured to receive the shredded documents including protected health information, the second temperature maintenance chamber including at least one radiation source comprising at least one of a microwave source, an infrared heat source, an X-ray heat source, and an ultraviolet source, the second temperature maintenance chamber further including an ozone generating electrode inserted into the second temperature maintenance chamber."

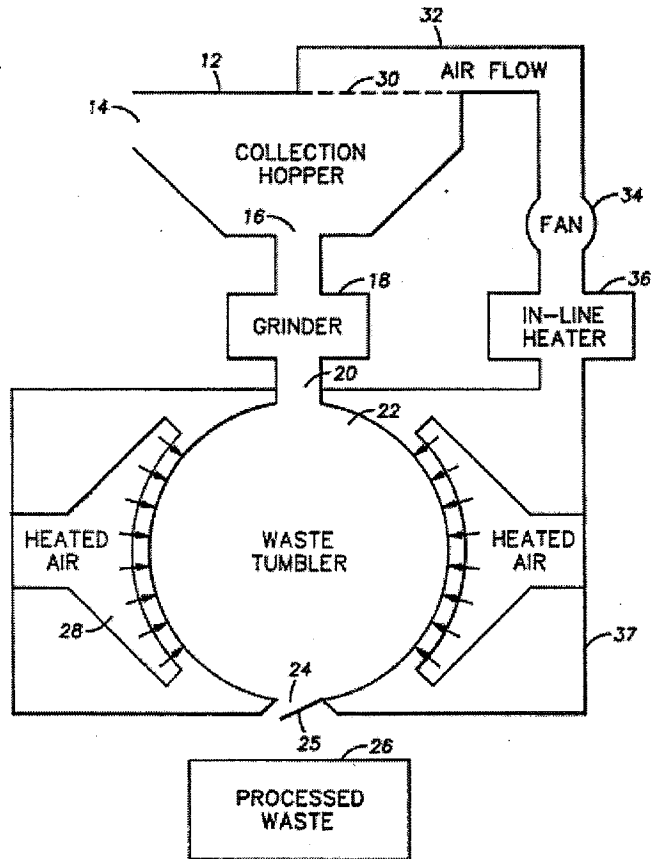


FIG. 2

Dineley, FIG. 2.

Regarding Mosenon, the Examiner's acknowledges that, at best, it discloses a

cavity (see ozone generator 70) rather than an ozone electrode inserted into the chamber, as recited in claim 19. Final Office Action, page 5-6. To cure this deficiency of Mosenson, the Examiner relies on Noda. However, Noda (which is from a non-analogous art not-related to shredding medical waste) merely describes the use of an electrode device 27 for generating ozone in a sterilization tank 25. As such, Noda lacks any disclosure that the electrode device 27 may be inserted into a temperature maintenance chamber, much less “shredding the documents including protected health information in the apparatus, wherein the apparatus includes a first chamber including at least one microwave source and a second temperature maintenance chamber configured to receive the shredded documents including protected health information, the second temperature maintenance chamber including at least one radiation source comprising at least one of a microwave source, an infrared heat source, an X-ray heat source, and an ultraviolet source, the second temperature maintenance chamber further including an ozone generating electrode inserted into the second temperature maintenance chamber.” Accordingly, neither Goldner, Nealy-Brown, Mosenson, nor Noda suggests or discloses at least this noted feature of claim 1. Therefore, claim 1 and claims 2-17, 20, and 22, at least by reason of their dependency from independent claim 1, are allowable over Goldner, Nealy-Brown, Mosenson, and Noda, whether those references are taken alone or in combination, and the rejection of those claims under 35 U.S.C. § 103(a) should be withdrawn.

The Examiner rejected claim 18 under 35 U.S.C. § 103(a) as unpatentable over Goldner, Nealy-Brown, and Dineley. Applicants submit that this rejection is obviated by the cancelation of claim 18.

The Examiner rejected claims 19 under 35 U.S.C. § 103(a) as unpatentable over Goldner, Nealy-Brown, Mosenson, and Noda. Applicants submit that this rejection is

obviated by the cancelation of claim 19.

The Examiner rejected claim 21 under 35 U.S.C. § 103(a) as unpatentable over Goldner, Nealy-Brown, and Orlando. Applicants respectfully traverse this rejection.

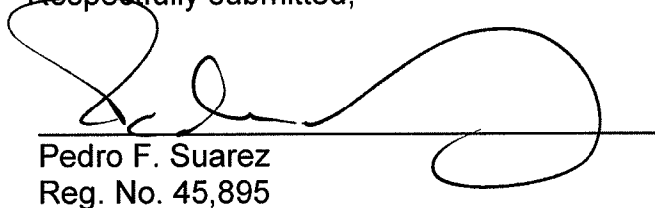
Claim 21 depends from claim 1 and includes all of the features recited therein including, among other things, “shredding the documents including protected health information in the apparatus, wherein the apparatus includes a first chamber including at least one microwave source and a second temperature maintenance chamber configured to receive the shredded documents including protected health information, the second temperature maintenance chamber including at least one radiation source comprising at least one of a microwave source, an infrared heat source, an X-ray heat source, and an ultraviolet source, the second temperature maintenance chamber further including an ozone generating electrode inserted into the second temperature maintenance chamber.” For at least the reasons noted above with respect to claim 1, neither Goldner nor Nealy-Brown discloses or suggests this feature. Moreover, although Orlando discloses disposing medical waste, Orlando fails to cure this noted deficiency. Nor does the Examiner alleges that Orlando cures this noted deficiency. In view of the foregoing, claim 21 is allowable over Goldner, Nealy-Brown, and Orlando, whether those references are taken alone or in combination, and the rejection of claim 21 under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant is concurrently filing herewith a Petition for a one-month extension of time with the requisite fee. Authorization for a credit-card payment of the filing fees mentioned above is submitted herewith. No additional fees are believed to be due, however the Commissioner is authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311, reference No. 36707-501. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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